

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Thomas A. Mann II
Beth A. Mann
Debtor(s)

Bankruptcy Case No.: 19-24142-TPA
Per December 16, 2019 proceeding
Chapter: 13
Docket No.: 39 – 20
Concil. Conf.: 5/7/20 at 01:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 6, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on 5/7/20 at 01:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of the following creditor shall govern as to claim amount, to be paid at the modified plan terms: First Universal Finance (Cl 10)

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 20, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Thomas A. Mann, II
 Beth A. Mann
 Debtors

Case No. 19-24142-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lmar
 Form ID: 149

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 Total Noticed: 31

Date Rcvd: Dec 20, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 22, 2019.

db/jdb
 cr +Thomas A. Mann, II, Beth A. Mann, 565 Franklin St., Freeport, PA 16229-1217
 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 15145512 +Credit Acceptance, 25505 West 12 Mile Road, Suite 3000, Southfield, MI 48034-8331
 15161004 +First Universal Finance Co., Inc., 115 Freeport St., Suite 1,
 New Kensington, PA 15068-6010
 15161007 +JOSHUA MCNAMARA, ESQ, 2 INDUSTRIAL WAY WEST, PO BOX 500, Eatontown, NJ 07724-0500
 15145514 KML Law Group, BNY Mellon Independence Center, 701 Market Street - Suite 5000,
 New York, NY 10106
 15161009 +Midland Funding LLC, 320 East Big Beaver, Troy, MI 48083-1271
 15145515 +PennyMac Loan Services, LLC, 3043 Townsgate Road, #200, Westlake Village, CA 91361-3027
 15161164 +Peoples Gas Company LLC, f/k/a Peoples TWP, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pgh, PA 15233-1828
 15145516 +TW Philips Gas & Oil Company, c/o Peoples Gas Company, 205 North Main St.,
 Butler, PA 16001-4998
 15145517 +Universal Finance, 115 Freeport Rd., Suite 1, New Kensington, PA 15068-6010
 15145519 +Walmart, PO Box 536927, Atlanta, GA 30353-6927
 15145522 +Zocal Loan Company, 53 Third St., San Francisco, CA 94103-3151

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:14:27
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15145510 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 21 2019 03:14:23 Capital One Bank,
 1680 Capital One Drive, Mc Lean, VA 22102-3407
 15147186 +E-mail/Text: bankruptcy@capvs.com Dec 21 2019 03:07:08 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 15145511 +E-mail/PDF: gecsed@recoverycorp.com Dec 21 2019 03:14:29 Chase - Amazon, Po Box 960013,
 Orlando, FL 32896-0013
 15145513 E-mail/PDF: creditonebknnotifications@resurgent.com Dec 21 2019 03:15:13 Credit One Bank,
 P.O. Box 60500, City of Industry, CA 91716-0500
 15161003 +E-mail/Text: bnc-bluestem@quantum3group.com Dec 21 2019 03:07:20 Fingerhut,
 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
 15157533 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 21 2019 03:07:04 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15161005 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 21 2019 03:07:04 Jefferson Capital Systems, LLC,
 16 Mclelland Rd, Saint Cloud, MN 56303
 15161006 E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 21 2019 03:07:04 Jefferson Capital Systems, LLC,
 Po Box 1999, Saint Cloud, MN 56302
 15159425 E-mail/PDF: resurgentbknnotifications@resurgent.com Dec 21 2019 03:13:58 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15161008 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 21 2019 03:06:49 Midland Funding,
 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
 15161010 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:36:44
 Portfolio Recovery Associates LLC, 120 Corporate Blvd Ste 100, Norfolk, VA 23502
 15169265 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 21 2019 03:14:27
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15146456 +E-mail/PDF: gecsed@recoverycorp.com Dec 21 2019 03:14:21 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15145518 +E-mail/Text: BankruptcyNotice@upmc.edu Dec 21 2019 03:07:21 UPMC,
 2 Hot Metal Street, Room 386, Pittsburgh, PA 15203-2348
 15151798 +E-mail/Text: bankruptcy@firstenergycorp.com Dec 21 2019 03:06:55 West Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248
 15145520 E-mail/Text: bankruptcy@firstenergycorp.com Dec 21 2019 03:06:55 West Penn Power Company,
 800 Cabin Hill Drive, Greensburg, PA 15606-2222
 15145521 E-mail/Text: ebkrptcy@woodforest.com Dec 21 2019 03:07:13 Woodforest National Bank,
 P.O. Box 7889, Spring, TX 77387-7889

TOTAL: 18

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PENNYMAC LOAN SERVICES, LLC
 15161002* +Capital One Bank, 1680 Capital One Drive, Mc Lean, VA 22102-3407

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-2

User: lmar
Form ID: 149

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Total Noticed: 31

Date Rcvd: Dec 20, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 22, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 20, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PENNYMAC LOAN SERVICES, LLC bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Joint Debtor Beth A. Mann julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Kenneth Steidl on behalf of Debtor Thomas A. Mann, II julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6